

HIGH COURT OF TRIPURA

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WP(C) No.152 of 2023

For Petitioner(s) : Mr. B. N. Majumder, Sr. Advocate.
Mr. B. Paul, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.
Mr. S. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE ARINDAM LODH

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22/03/2023

Heard Mr. B. N. Majumder, learned senior counsel assisted by Mr. B. Paul, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. assisted by Mr. S. Saha, learned counsel appearing for the respondents.

The petitioner has prayed for the following reliefs:

- a. Issue rule upon the respondents to show cause as why a writ in the form of mandamus or in the nature thereof, shall not be issued, directing, mandating, commanding the respondents to pay the amount of Rs.42,39,906/- (Rupees forty two lakhs thirty nine thousand nine hundred six) only in accordance to the demand of the respondent (Annexure-6)
- b. Issue rule upon the respondents to show cause as why a writ in the form of mandamus or in the nature thereof, shall not be issued, directing, mandating, commanding the respondents to pay interest at the rate of 18% on the principal amount of Rs.42,39,906/- (Rupees forty two lakhs thirty nine thousand nine hundred six) only.
- c. In case the respondents show causes or not, this Hon'ble High Court be pleased to pass necessary orders in terms of the above and make the rule absolute."

The case of the petitioner is that the petitioner is a company under the companies Act, 1956 and is engaged in the business of manufacturing, sale/supply of drugs throughout India including the State of Tripura. The respondents invited tender for supply of various drugs for the State of Tripura under National Health Mission in the year 2017 and 2018. The petitioner participated in the said tender and the petitioner's bid being the lowest one was accepted by the respondents.

Thereafter, supply orders dated 08.03.2019 and 22.10.2019 for supplying the drugs in terms of the tender and accordingly, the petitioner

supplied the entire lot of medicines within the stipulated period and those drugs were received by the respondent authority with full satisfaction. The petitioner raised invoices and bills but, those were not cleared by the respondent on the ground of priority of supply of drugs needed to combat the surge of Covid-19 pandemic in the early part of 2020 and even after the month of February, 2022 when the pandemic situation was under control, without any valid reason in spite of repeated demands.

Hence, the present petition has been filed by the petitioner before this Court for redress.

In view of above and after interacting with the learned counsel appearing for the parties, this Court is of the view that the petitioner is a successful tenderer and he has supplied stocks and bills which are due, since the same were unpaid to the petitioner. Further, the petitioner made his request under demand notice by way of advocate notice dated 20.02.2023 [Annexure-6 to the writ petition] but, the same has also not been considered by the respondents.

In the light of the above, without expressing any opinion on merits, the present petition stands disposed of directing the respondents to consider the demand notice made by the petitioner and make payment to the petitioner with regard to the undisputed amount. This exercise shall be completed within a period of two months from the date of receipt of the copy of this order.

Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

JUDGE

CHIEF JUSTICE (ACTING)